

**Professional Dry Cleaning and Laundry Services, Inc.
and Wayne L. Carter, James W. Williams,
Timothy Drew Whitaker, and John Trevor Car-
ter.** Case 4-CA-25182

September 28, 1998

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS FOX, LIEBMAN, AND HURTGEN

On October 20, 1997, the National Labor Relations Board issued an unpublished Order adopting, in the absence of exceptions, the decision of the administrative law judge ordering the Respondent, Professional Dry Cleaning and Laundry Services, Inc., to make whole Wayne L. Carter, James W. Williams, Timothy Drew Whitaker, and John Trevor Carter for their loss of earnings and other benefits resulting from their discharges in violation of Section 8(a)(1) of the National Labor Relations Act. On March 13, 1998, the Regional Director for Region 4 approved a stipulation entered into by the Respondent in which the Respondent waived its right under Section 10(e) and (f) of the Act to contest either the propriety of the Board's Order or the findings of fact and conclusions of law underlying the Board's Order.

A controversy having arisen over the amount of backpay due the discriminatees, on July 16, 1998, the Regional Director for Region 4 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated August 13, 1998, the counsel for the Acting General Counsel advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by August 18, 1998, summary judgment would be sought. The Respondent filed no answer.

On August 31, 1998, the Acting General Counsel filed with the Board a Motion for Summary Judgment, with exhibits attached. On September 3, 1998, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the motion for summary judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the Acting General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent of the amounts to the discriminatees, plus interest accrued on said amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Professional Dry Cleaning and Laundry Services, Inc., Williamstown, New Jersey, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest as set forth in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), and minus tax withholdings required by Federal and state laws:

Wayne L. Carter	\$10,026.60
James W. Williams	10,529.95
Timothy Drew Whitaker	14,994.91
John Trevor Carter	7,995.02
TOTAL:	43,546.48